IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.PADMANABHAN NAIR

FRIDAY, THE 22ND JUNE 2007 / 1ST ASHADHA 1929

AS.No. 40 of 1996()

OS.550/1992 of ADDL.SUB COURT,PARAVUR

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APPELLANT/DEFENDANT:

THE PRESIDENT,
KATHAYEE COTTOM MILLS EMPLOYEES WELFARE FUND,
KATHAYEE COTTON MILLS LTD., ALUVA.

BY ADV. SRI.A.M.SHAFFIQUE

RESPONDENT/PLAINTIFF:

MRS. MARIAMMA POULOSE,
W/O. LATE M.C.POULOSE,
MOOZHAYIL HOUSE,
NEAR POWER HOUSE,
ALUVA.

BY ADV. SRI.C.V.JOSEPH

THIS APPEAL SUITS HAVING COME UP FOR ADMISSION ON 22/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.PADMANABHAN NAIR, J.

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A.S. No. 40 OF 1996

Dated this the 22nd day of June, 2007

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JUDGMENT

Heard the counsel for the appellant. The appeal is filed against a decree and judgment passed by the court below allowing the respondent to recover an amount of Rs.25,000/- with interest from the date of suit at 6%. The plaintiff filed the suit claiming the amount due to her under Family Welfare Fund. According to her, an amount of Rs.25,000/-was deducted from her salary towards Family Welfare Fund. So she is entitled to get that amount. The defendant contested the matter. It was contended that no amount was collected and respondent is not entitled to any amount. The trial court on evidence found that defendant collected contributions from the salary of the employees and hence the plaintiff is entitled to get the decree. The evidence on record shows that there is a provision in the bylaw of the appellant company, to deduct amounts from the salary by way of contribution towards Family Welfare Fund. Materials on record shows that, the finding that, the respondent

is entitled to a decree for an amount of Rs.25,000/- is correct and does not call for any interference.

In the result, the appeal is dismissed in limine.

K.PADMANABHAN NAIR
JUDGE.

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